

Application No. 10/615,401
Amendment Dated November 22, 2005
Reply to Office Action of September 22, 2005

REMARKS/ARGUMENTS:

By the present Amendment, claims 1 and 30 - 38 are currently amended. No new matter has been added. Claims 1 - 3 and 5 - 38 are currently pending in the application, with claims 1, 16 and 29 being independent.

Applicant has carefully considered the contents of the Office Action and respectfully requests reconsideration and reexamination of the subject application in view of the explanations noted below.

Rejections under 35 U.S.C. § 112(second paragraph)

Claims 29 - 36 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, two claims have been numbered as claim 29, thereby providing several antecedent basis issues.

The second claim 29 has been renumbered as claim 30 and old claims 30 - 37 have been renumbered as claims 31 - 38, thereby eliminating any antecedent basis issues for currently pending claims 29 - 38.

Therefore, such claim amendments overcome the rejection of claims 29 - 36 under 35 U.S.C. § 112, second paragraph, as being indefinite, and the rejection should be withdrawn.

Rejections under 35 U.S.C. § 103(a)

Claims 1 - 3, 5 - 9 and 12 - 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,700,922 to Gross (the Gross '922 patent) in view of U.S. Patent No. 5,210,906 to Aihara et al. (the Aihara '906 patent) or U.S. Patent No. 5,971,509 to Deimen (the Deimen '509 patent). Applicants respectfully traverse these rejections, since the Caveney '192 publication either alone or in combination with the other cited patents clearly does not disclose, teach or render obvious the subject matter of independent claims 1, 19 and 37.

Independent claim 1 recites, inter alia, a magnet disposed on an outer surface of the first arm at an end opposite to the first pivotal connection that releasably connects the second arm to the first arm.

Independent claim 16 recites, inter alia, a first end of a second arm being pivotally connected to a second end of a first arm and a second end of the second arm being releasably connected to a first end of the first arm.

The Gross '922 patent discloses a medical equipment mounting apparatus 10, as shown in FIG. 1. A first arm 36 is mounted to a support, such as a bed 18. A first end of second arm 60 is pivotally mounted to a second end of the first arm 36. Recessed portions 79 of the first arm 36 are adapted to receive the second arm 60 such that the first and second arms may be folded against one another. As shown in FIG. 2, the recessed portions 79 are spaced from the first end where the first arm 36 is pivotally connected to the bed 18. A central connector portion 78 of the third arm 74 is pivotally connected to the second end of the second arm 60. The third arm 74 is secured to a cover 12. Removable axle pins 66 and 81 provide the pivoting connection between the first and second arms and the second and third arms, respectively.

The Aihara '906 patent is cited for disclosing a magnet providing closure means. FIG. 2 of the Aihara '906 patent shows a magnet 61 that attracts connector 4 of the box lid 2. The Deimen '509 patent is also cited for disclosing a magnet providing closure means. FIG. 12 of the Deimen '509 patent shows two magnets 102 and 104 securing two members together.

The Gross '922 patent does not disclose a pivotal connection between first and second arms at one end and a magnet releasably connecting the first and second arms at the other end. The Aihara '906 and the Deimen '509 patents are cited for disclosing magnets to provide closure means, and, therefore, do not cure this deficiency in the Gross '922 patent.

The Gross '922 patent does not disclose or suggest a magnet releasably connecting the first and second arms 36 and 60, respectively, at an end opposite the pivotal connection, as recited in independent claim 1. The Gross '922 patent also does not disclose or suggest the second end of the second arm being releasably connected to the first end of the first arm, as recited in independent claim 16. As shown in FIGS. 1 and 2, the recessed portion 79 of the first

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arm 36 extends from the end of the first arm where the second arm 60 is pivotally connected thereto. Furthermore, a rotary mounting assembly 38 couples the first arm 36 to a first pin 31. As shown in FIG. 2, the first end of the first arm 36 is received within the rotary mounting assembly 38. Thus, the second end of the second arm cannot contact the first end of the first arm 36, such that there is no releasable connection therebetween as recited in independent claims 1 and 16. Therefore, the Gross '922 patent is not modifiable such that the first end of the first arm releasably receives the second end of the second arm, as recited in independent claims 1 and 16.

Therefore, the Gross '922, Aihara '906 and Deimen '509 patents do not disclose or render obvious the claimed features of Applicants' invention as recited in independent claims 1 and 16, or their respective dependent claims 2, 3, 5 - 9, 12 - 15 and 17 - 28.

Claims 2, 3, 5 - 15 and 17 - 28, being dependent upon claims 1 and 16, respectively, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as a detent on the second arm being received by the first magnet of claims 5 and 18; a second magnet being disposed on an outer surface of the second arm to releasably connect the third arm to the second arm of claims 7 and 20; and a mounting tab on the first arm is received by the support to secure the hinged swing bracket assembly to the support of claims 11 and 24. Therefore, dependent claims 2, 3, 5 - 15 and 17 - 28 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

Claims 10, 11 and 29 - 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,805,248 to Champion (the Champion '248 patent) in view of U.S. Patent No. 5,210,906 to Aihara et al. (the Aihara '906 patent) or U.S. Patent No. 5,971,509 to Deimen (the Deimen '509 patent). Applicants respectfully traverse these rejections, since the Caveney '192 publication either alone or in combination with the other cited patents clearly does not disclose, teach or render obvious the subject matter of independent claims 1, 19 and 37.

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Independent claim 29 recites, inter alia, a first releasable connection between the first end of the first arm and the second end of the second arm and a second releasable connection between the second end of the third arm and the first end of the second arm.

The Champion '248 patent discloses a cable arm assembly for an electrical equipment rack, as shown in FIGS. 1 and 4. A first arm 105 is secured to a support, such as the rack 201b. A second arm 101 is pivotally connected to the first arm 105. A third arm 102 is pivotally connected to the second arm. In the retracted position shown in FIG. 1, the third arm 102 is disposed between the first arm 105 and the second arm 101. An offset distance "S" is required between the second and third arms 101 and 102.

The Aihara '906 patent is cited for disclosing a magnet providing closure means. FIG. 2 of the Aihara '906 patent shows a magnet 61 that attracts connector 4 of the box lid 2. The Deimen '509 patent is also cited for disclosing a magnet providing closure means. FIG. 12 of the Deimen '509 patent shows two magnets 102 and 104 securing two members together.

The Champion '248 patent does not disclose a first releasable connection between the first end of the first arm and the second end of the second arm and a second releasable connection between the second end of the third arm and the first end of the second arm. The Aihara '906 and the Deimen '509 patents are cited for merely disclosing magnets to provide closure means, and, therefore, do not cure this deficiency in the Gross '922 patent.

The Champion '248 patent does not disclose a first releasable connection between the first end of the first arm and the second end of the second arm and a second releasable connection between the second end of the third arm and the first end of the second arm, as recited in independent claim 29. As shown in FIG. 1, in the retracted position, third arm 102 is disposed between first arm 105 and second arm 101 such that there is no releasable connection between the first and second arms. As shown in FIG. 4, in the extended position, the second end of the second arm 101 is moved to a position separated from the first arm. Thus, the Champion '248 patent is not modifiable to have a first releasable connection between the first end of the first arm and the second end of the second arm.

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Furthermore, the Champion '248 patent does not disclose a second releasable connection between the second end of the third arm 102 and the first end of the second arm 101. An offset distance "S" between the second and third arms 101 and 102 should be equal to or greater than twice the minimum bend radius of any cable that may be attached to the cable management arm assembly. Col. 2, lines 41 – 63. Because a minimum offset distance "S" is required between the second and third arms 101 and 102, the Champion '248 patent does not disclose or suggest a second releasable connection between the second end of the third arm 102 and the first end of the second arm 101. Moreover, the required offset distance between the second and third arms prevents the Champion '248 patent from being modified with the Aihara '906 and Deimen '509 patents.

Therefore, the Champion '248, Aihara '906 and Deimen '509 patents do not disclose or render obvious the claimed features of Applicants' invention as recited in independent claims 1 and 29, or their respective dependent claims 10, 11 and 30 - 38.

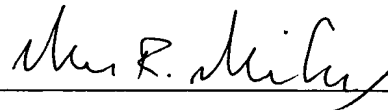
Claims 10, 11 and 30 - 38, being dependent upon claims 1 and 29, respectively, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as a detent on the second arm being received by a magnet on the first arm of claim 33; and a detent on the third arm being received by a magnet on the second arm claim 34. Therefore, dependent claims 10, 11 and 30 - 38 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

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In view of the foregoing amendments and comments, Applicants respectfully submit that claims 1 – 3 and 5 - 38 are in condition for allowance. Prompt and favorable action is solicited.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Mr. R. Mickney", is written over a horizontal line.

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